

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

<b>UNITED STATES OF AMERICA</b>	*	<b>CRIMINAL NO. 12-276</b>
<b>v.</b>	*	<b>SECTION: "K"</b>
<b>NORMAN J. TOUPS, JR.</b>	*	

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**FACTUAL BASIS**

The Defendant, **Norman J. Toups, Jr.** (hereinafter **Toups**), has agreed to plead guilty as charged to the one-count Bill of Information charging him with theft of government funds in violation of Title 18, United States Code, Section 641.

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the Bill of Information now pending against the defendant:

The Social Security Administration ("SSA") is and was, at the time of the offense, an agency or department of the United States of America empowered with duties including, but not limited to, determining eligibility for social security benefits and providing and administering such benefits

under Title XVI of the Social Security Act. The Commissioner of Social Security is the head of the SSA.

On or about December 13, 2002, **Toups** submitted an application to the SSA for financial assistance under Title XVI of the Social Security Act. Under Title XVI of the act, individuals who are disabled and unable to earn a living are eligible to receive Supplemental Security Income payments to assist them with their daily living expenses and health insurance under the federal Medicaid program. In addition to having a disability, the applicant must prove that they have a very limited level income before they are eligible to receive those benefits. The applicant will not be approved to receive these benefits if they own property such as real estate, life insurance, bonds, or stocks.

In the application that he submitted to the Social Security Administration, **Toups** claimed that he could no longer work as a security guard because of severe leg pain. He also stated in the application that he did not own any valuable property. Accordingly, the SSA approved his application on March 20, 2003. After his application was approved, the SSA began distributing SSI payments to **Toups** on a monthly basis. Sometime after he began receiving his benefits, the SSA learned that **Toups** actually owned three residential rental properties on Gaudet Drive in Marrero and a commercial property on Magazine Street. A special agent with the Office of Inspector General for the SSA began an investigation to determine if **Toups** had lied to the SSA about his assets when he first applied for the benefits. The special agent discovered that **Toups's** deceased mother was the listed in the public records as the owner of the aforementioned properties.

In March 2011, the special agent contacted **Toups** and asked him if he would meet at the Social Security Office on the Wesbank for an interview. **Toups** agreed and showed up for the interview on March 25, 2011. During the meeting, **Toups** admitted that he was, in fact, the rightful owner of the properties, and that he owns them free and clear of any debt. He also stated that he receives rental income from the properties on a monthly basis. **Toups** also acknowledged that he did not disclose to the SSA that he owned those rental properties when he applied for SSI benefits. When asked by the agent why he applied for the benefits with the SSA, **Toups** indicated he wanted Medicaid to pay for surgeries to repair several veins in his legs that had collapsed. He ended the interview by offering to repay the funds that he stole from the federal government.

The special agent also conducted an analysis of **Toups's** SSI account to determine the total loss to the government. The analysis revealed that **Toups** improperly collected \$53,632.79 in SSI benefits from the United States that he was not entitled to. The analysis also revealed that those benefits were paid out to **Toups** from March 2003 to February 2011. The special agent the provided the final loss figure to the **Toups** in order to give him an opportunity to start making restitution payments to the SSA. To date, **Toups** has repaid \$39,070.00 to the SSA.

In conclusion, **Toups** acknowledges that he intentionally lied to the SSA when he falsely stated in his application for SSI benefits that he did not own any real estate. As a result of his willful failure to disclose those assets, **Toups** knowingly and intentionally stole \$53,632.79 in government funds belonging to the SSA in violation of 18 U.S.C. 641.

The above facts would have been proven beyond a reasonable doubt by credible testimony of Special Agents with the office of inspector general for the SSA, other SSA employees, documents and records of SSA, as well as **Toups'** own confession.

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SPIRO G. LATSIS (BAR NO. 24517) (DATE)

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NORMAN J. TOUPS, JR. (DATE)  
DEFENDANT

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MICHAEL BOLEWARE (BAR NO. 20112 ) (DATE)  
ATTORNEY FOR DEFENDANT